THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

Writ Petition No.26564 of 2005

13.12.2005

BETWEEN

P.Nageshwara Rao.

.....PETITIONER

AND

The Vice Chancellor, Andhra University, Visakhapatnam and another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

Writ Petition No.26564 of 2005

ORDER:

The petitioner is working as Senior Assistant in Andhra University. Disciplinary proceedings were initiated against him in view of pendency of a criminal case. In fact, he was placed under suspension vide proceedings, dated 19.11.2003. The petitioner filed W.P.No.23117 of 2004. The said writ petition was disposed of with certain directions. On a consideration of the same, the University reinstated the petitioner through its proceedings, dated 24.05.2005, subject to the outcome of the criminal case.

The grievance of the petitioner is that several juniors to him have been promoted to the post of Superintendent and he is not considered for such promotion. He contends that he is scheduled to retire from service in March, 2006 and unless his case is considered for promotion, he would be put to great hardship.

Heard the learned counsel for the petitioner and the learned Government Pleader for the University.

Acting in pursuance of the orders of this Court in W.P.No.23117 of 2004, the respondents reinstated the petitioner into service through their proceedings, dated 24.05.2005. The petitioner states that number of his juniors in the category of Senior Assistant have been promoted to the post of Superintendent. The respondents were compelled not to consider the case of the petitioner for promotion on

account of pendency of the criminal case as well as initiation of disciplinary proceedings. As long as such proceedings are pending, the petitioner cannot expect promotion. In the event of criminal case initiated against the petitioner ending in acquittal, the petitioner can claim notional promotion, even after he stands retired from service by then. This Court is not inclined to grant any relief at this stage.

Hence, the writ petition is disposed of directing that in case, the charges levelled against the petitioner are dropped and he is acquitted in the criminal case, the petitioner shall be entitled to be extended the benefit of notional promotion even if he stands retired from service by such time. No costs.

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13.12.2005

VGB